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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,417	12/02/2003	Jean-Sebastien Mace	2-1034-092	5585
803	7590	11/02/2005	EXAMINER	
STURM & FIX LLP 206 SIXTH AVENUE SUITE 1213 DES MOINES, IA 50309-4076			JONES, DAVID B	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,417

Applicant(s)

MACE, JEAN-SEBASTIEN

Examiner

David B. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13,14,16,17,19-21,23-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13,14,16,17,19-21,23-26 and 28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1, 2, 4-11, 13, 14, 16, 17, 19-21, 23-26, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims as a whole still contain limitations that render the claims confusing and indefinite. Further the claims fail to tie together the structure in to a complete and operative article. The applicant in the first few lines of claim 1 recites that the articulated strap comprises adjacent links forming a plurality of rows with the links being offset with respect to each other. The applicant then calls for in claim 1 (line 7) that the "articulated strap" comprises modular assemblies. What makes for the modular assemblies? How do the "plurality of rows of offset links" set forth in line 3 relate to the modular assemblies? It is not clear from the claim at present and they seem to be mutually exclusive of each other as drafted. Further on line 2 of claim 1, "the transverse direction" lacks antecedent basis. Are the hinge pins of line 6 different or same to the hinge pin of line 9 of claim 1? What makes for two articulated parts; do the links of line 3 play into the parts? If the modular assemblies are made of two parts; then what makes for a middle part as recited on line 10. It is not clear where the "another transverse hinge pin " (line 13) is located with respect to the "transverse hinge pin of line 9. On line 13/14, the limitation, "one of which is engaged" is unclear in that it isn't clear to what "one" is referencing. The rest of claim 1 contains vague and confusing limitations as recited and contain like deficiencies as detailed. Further, all the claims should be reviewed for like problems

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and amended into proper claim form. Further "the" should be inserted before "modular" on lines 10, 12, 28, 31, and 33. All the claims should be reviewed for this deficiency.

2. Applicant's arguments filed 08/10/2005 have been fully considered but they are not persuasive. The claims continue to contain limitations that render them indefinite and unclear. Hence patentability is precluded under 35 USC 112, 2nd paragraph.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (571) 272-4518.

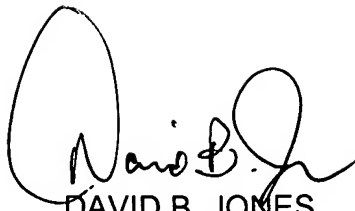
Any inquiry of a general nature or relating to the status of this application should be directed to telephone number is (571) 272-3700.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (571) 273-8300

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DAVID B. JONES
PRIMARY PATENT EXAMINER
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